

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by BlueStar Networks, Inc. for arbitration of certain unresolved issues in interconnection negotiations with BellSouth Telecommunications, Inc.

DOCKET NO. 991838-TP
ORDER NO. PSC-00-0874-FOF-TP
ISSUED: May 3, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
E. LEON JACOBS, JR.

ORDER ACKNOWLEDGING NOTICE OF WITHDRAWAL

BY THE COMMISSION:

On December 7, 1999, BlueStar Networks, Inc. (BlueStar) filed a Petition for Arbitration of certain unresolved issues in its interconnection negotiations with BellSouth Telecommunications, Inc. (BellSouth). On January 3, 2000, BellSouth filed its Response. A prehearing conference was held on February 21, 2000, and a prehearing order was issued on March 1, 2000. A hearing was scheduled for March 2-3, 2000.

On February 29, 2000, BlueStar filed a signed stipulation resolving all of the outstanding issues in the arbitration, with the exception of Issues 5, 10(c) and (d), and 16. On March 1, 2000, our staff received copies of the parties' two separate stipulations resolving all of the remaining issues -- Issues 5, 10(c) and (d), and 16 -- in the arbitration.¹

On March 2, 2000, BlueStar filed a Notice of Withdrawal, withdrawing its Petition for Arbitration, its Motion for Reconsideration, filed on February 4, 2000, and its Motion to Strike, filed on February 18, 2000. Accordingly, the hearing scheduled for March 2-3, 2000 was canceled by the Chairman's Office.

¹ On March 2, 2000, BellSouth filed the stipulation resolving Issues 5 and 16, and on March 30, 2000, BlueStar filed the stipulation resolving issues 10(c) and (d), with the Division of Records and Reporting.

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Upon consideration, we find it appropriate to acknowledge BlueStar's withdrawal of its Petition for Arbitration. Since no further action is necessary, this docket may be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BlueStar Networks, Inc.'s Notice of Withdrawal of its Petition for Arbitration of certain unresolved issues in its interconnection negotiations with BellSouth Telecommunications, Inc. is hereby acknowledged. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 3rd day of May, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee,

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Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.